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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

SUBDIVISION REVIEW BOARD

MEETING DATE December 5, 2005	CONTACT/PHONE Ryan Hostetter 788-2351	APPLICANT Martha Anderson	FILE NO. CO04-0591 SUB2004-00261				
SUBJECT Request by Martha Anderson for a vesting tentative parcel map to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development. The project includes off-site road improvements which include widening the frontage along Mesa Road and Viva Way. The project will result in the disturbance of approximately 0.85 acres of a 10 acre parcel, and approximately 1,200 cubic yards of grading (cut & fill) for the road improvements. The proposed project is within the Residential Rural land use category and is located at 1181 Viva Way, on the northeast corner of Viva Way and Mesa Road, approximately 7,000 feet west of the community of Nipomo. The site is in the South County Inland planning area.							
RECOMMENDED ACTION 1. Adopt the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Parcel Map CO04-0591 based on the findings listed in Exhibit A and the conditions listed in Exhibit B							
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 27, 2005 for this project. Mitigation measures are proposed to address agricultural resources, air quality, geology and soils, and public services/utilities, and are included as conditions of approval.							
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION none	ASSESSOR PARCEL NUMBER 091-261-014	SUPERVISOR DISTRICT(S) 4				
PLANNING AREA STANDARDS: Rural Area Standards—Residential Rural: Road right-of-way, Curvilinear roads, Setbacks, Landscaping, and Siting of buildings							
LAND USE ORDINANCE STANDARDS: None							
EXISTING USES: Residential							
SURROUNDING LAND USE CATEGORIES AND USES: <table style="width: 100%;"><tr><td style="width: 50%;"><i>North:</i> Residential Rural/Vacant</td><td style="width: 50%;"><i>East:</i> Residential Rural/Residential</td></tr><tr><td><i>South:</i> Residential Rural/ Residential</td><td><i>West:</i> Residential Rural/Residential</td></tr></table>				<i>North:</i> Residential Rural/Vacant	<i>East:</i> Residential Rural/Residential	<i>South:</i> Residential Rural/ Residential	<i>West:</i> Residential Rural/Residential
<i>North:</i> Residential Rural/Vacant	<i>East:</i> Residential Rural/Residential						
<i>South:</i> Residential Rural/ Residential	<i>West:</i> Residential Rural/Residential						
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242</small>							

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Council, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, Nipomo Community Services District, APCD, Larry Kelly, Cal Trans, and Leonard Mansell.	
TOPOGRAPHY: Level to gently rolling and Moderate slopes	VEGETATION: None native trees and grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: May 6, 2005

ORDINANCE COMPLIANCE:

Minimum Parcel Size

Section 22.22.060 of the Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Rural land use category. The standards are based on the distance from an urban areas, fire response time, type of access serving the property and the topography of the site. Minimum parcel size is based on the largest parcel size as calculated by tests. The proposed parcels meet all requirements for five acre parcels as follows:

TEST	STANDARD	MINIMUM PARCEL SIZE
Remoteness	0-5 miles from urban reserve line	5 acres
Fire Hazard/ Response Time	Within the 15 minute response time In the high fire hazard area	5 acres
Access	Minimum 40 foot ROW to county road	5 acres
Slope	Average slope is between 0 and 15 %	5 acres

Quimby Fees

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

Affordable Housing Fees

County Ordinance 2529 establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees.

Design Standards

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

Road Improvements

This application was reviewed in detail by both Public Works and Planning and Building relative to access and circulation requirements for the area. This is in response to the potential for further divisions and development in the site vicinity. As a result of this review, both an offer of dedication and road improvements are recommended as a means of providing appropriate access and circulation for this area.

PLANNING AREA STANDARDS:

Areawide Standards:

Circulation Linkages: All land division and Conditional Use Permit applications shall be integrated into areawide circulation and utility easements, providing for future extensions into adjacent undeveloped properties wherever feasible. Neighboring properties to the project site are currently developed, and contain existing utility and circulation connections.

Driveways: New land divisions shall include, where possible, design provisions for combining driveways and private access roads serving proposed parcels from collector or arterial roads wherever terrain and adequate sight distance on the public road will allow. The proposed project is located on the corner of two local streets, Mesa Road and Viva Way. One of the proposed parcels contains an existing residence with an existing driveway that has access off of Viva Way. The proposed undeveloped parcel (parcel 2) will have direct access off of Mesa Road. Staff feels that in this case, with this parcel configuration, it is not possible to combine the new driveway with the existing driveway off of Viva Way.

Rural Area Standards—Residential Rural:

Road right-of-way: Provide a dedication of land for road right-of-way between 15 and 30 feet for the construction of a separate pathway, as determined to be feasible by the County Public Works Department. *Road right of way requirements are contained in conditions of approval.*

Curvilinear roads: Road alignments shall respond to natural landforms, be slightly curvilinear and provide alternate routes of travel. *No new roads are proposed with this project, but one new driveway to access parcel 2 will be constructed in the future.*

Setbacks: Provide an 80-foot front setback, except where site average slope is greater than 10 percent; the front setback may be less than 80 feet where necessary for sensitive siting within topographic constraints. *This condition will be required at the time of construction permits.*

Landscaping: Retain and incorporate existing vegetation as much as possible into the subdivision design. Plant California native trees within the dedicated road right-of-way where feasible and in the front setback area. *The project does not propose to remove any vegetation.*

Siting of buildings: Locate building envelopes that are subordinate to rural character, such as by varying their elevation along hills and ridges, and where siting below the highest elevations takes advantage of wind-protected locations. *The proposed map does not include specific building envelopes because the entire proposed parcel (outside the setback areas) is suitable for any proposed residence and accessory structures. There will be no removal of native vegetation, and the site does not contain steep slopes. Any proposed building site on this parcel will be in keeping with the character of the neighborhood as the property is surrounded by rural residences.*

COMBINING DESIGNATIONS: None

COMMUNITY ADVISORY GROUP COMMENTS: no response as of November 10, 2005.

AGENCY REVIEW:

Public Works – Recommend approval

Environmental Health – Needs a full size exhibit showing septic tank and leach field location

Ag Commissioner – The project would have less than significant impacts.

County Parks – Require payment of Quimby fees and applicable building division fees

CDF – Access road must be constructed; driveway standards, vegetation and fuel modification and a water storage tank will be required.

Nipomo Community Services District – no response

APCD – no response

Cal Trans – no response

Leonard Mansell – no significant concerns

Larry Kelly – legal parcel

LEGAL LOT STATUS:

The 1 lot was legally created by a recorded map (CO74-132) at a time when that was a legal method of creating lots.

FINDINGS - EXHIBIT A

Environmental Determination

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on October 27, 2005 for this project. Mitigation measures are proposed to address agricultural resources, air quality, geology and soils, and public services/utilities, and are included as conditions of approval.

Tentative Map

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the residential rural land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances.
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of residential use.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support a primary and secondary dwelling.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the site is currently being used as a residence and is not habitat for fish or wildlife.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

Road Improvements

- J. In the interest of the public health and safety, and as a necessary pre-requisite to the orderly development of the surrounding area, the construction of any road improvements shall occur prior to recordation of the parcel map or, if bonded for, within one year after recordation of the parcel map and prior to issuance of a permit or other grant of approval for development on a parcel.

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EXHIBIT B

CONDITIONS OF APPROVAL FOR CO04-0591

Approved Project

1. A request by Martha Anderson for a vesting tentative parcel map to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development. The project includes off-site road improvements which include widening the frontage along Mesa Road and Viva Way. The project will result in the disturbance of approximately 0.85 acres of a 10 acre parcel, and approximately 1,200 cubic yards of grading (cut & fill) for the road improvements.

Access and Improvements

2. Roads and/or streets to be constructed to the following standards:
 - a. Mesa Road constructed to a 2/3 A-1 paved section within a minimum 40 foot dedicated right-of-way and paved width of 18 feet.
 - b. Viva Road constructed to a 2/3 A-7(c) gravel section with a minimum 40 dedication of right of way.
 - c. A road constructed to a 2/3 A-1 section from the property to a paved public road (minimum paved width to be 18 feet).
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. A 20 foot radius property line return at the intersection of Viva and Mesa Road.

Improvement Plans

4. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Grading and erosion control plan for subdivision related improvement locations.
 - d. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

6. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

Drainage

7. Submit complete drainage calculations to the Department of Public Works for review and approval.
8. If calculations so indicate, drainage must be retained and/or detained in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
9. If a drainage basin is required, the drainage basin along with rights of ingress and egress be offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.

Wastewater Disposal

10. Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcel 2 only)

Utilities

11. Electric and telephone lines shall be installed ***underground***.
12. Cable T.V. conduits shall be installed in the street if not already installed.
13. Gas lines shall be installed if not already installed.

Vector Control and Solid Waste

14. A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

Fire Protection

15. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.

Parks and Recreation (Quimby) Fees

16. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Affordable Housing Fee

17. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

Mitigation Measures

Air Quality

18. **Prior to any grading activities for road improvements at the site**, the applicant shall submit a geologic evaluation, conducted by a qualified individual determine if naturally occurring asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filled with the District. If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM which may include but not be limited to an asbestos dust mitigation plan.
19. Dust Control Measures: The following measures must be shown on all grading and improvement plans:
 - A. Reduce the amount of the disturbed area where possible
 - B. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible,
 - C. All dirt stock-pile areas should be sprayed daily as needed,
 - D. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and
 - E. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

20. Construction Permit Requirements: The Air Pollution Control District shall be contacted if portable equipment , 50 horsepower (hp) or greater is used during construction activities. Other construction equipment may also require a permit, and the APCD shall be contacted for a list of equipment that requires a permit.

Agricultural Resources

21. **Prior to recordation or finalization of the map**, the applicant shall provide a detailed supplemental disclosure to purchasers of these parcels that greenhouse/nursery facilities are located in the area. The disclosure shall identify the activities that may result in noise and glare: flower and plant cultivation, motorized vehicle and heavy equipment operation (tractor, trucks etc.), heating and refrigeration (utilizing diesel generators, boilers, electric engines etc.), motorized greenhouse opening/closing and fan operations, packing and loading, employee/visitor arrival/departures, and intensive night lighting. The disclosure shall include information regarding the County's Right to Farm Ordinance.

Wastewater

22. **Prior to recordation of the final map**, the applicant shall submit the results of soil borings and percolation testing at leach line location showing that there is adequate separation and percolation rates, or plans for an engineered wastewater system that shows how the basin plan criteria can be met would be required prior to issuance of construction permits.

Water

23. **Prior to recordation of the final map**, the applicant shall submit an official well driller's report (construction log), well capacity testing, and water quality testing to the County Department of Environmental Health for review and approval. The applicant shall consult with the County Department of Environmental Health regarding approval of a shared well system.

Additional Map Sheet

25. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
 - If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the

- Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist.
- e. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
 - f. **Prior to issuance of building permits for development on the proposed parcels**, proposed construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

Covenants, Conditions and Restrictions

- 26. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
 - a. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
 - b. Notification of the consequences of existing and potential intensive agricultural operations in the area including but not limited to noise, dust, odor and agricultural chemicals.
 - c. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist.

Miscellaneous

- 27. This subdivision is also subject to the standard conditions of approval for all subdivisions using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 28. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS
USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. Each parcel shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2C.
2. Operable water facilities shall exist prior to the filing of the final parcel map. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:
 - A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation for each of the parcels created or as required.
 - B. (Adequacy) On individual parcel wells or test holes, a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval for each of the new parcels created.
 - C. If the applicant desires purveying water to two (2) or more parcels or an average of 25 or more residents or non-residents (employees, campers, etc.) on a daily basis at least sixty (60) days out of the year, application shall be made to the county Health Department for a domestic water supply permit prior to the filing of the final map. A bond may be used for operable water facilities (except well(s)). Necessary legal agreements, restrictions and registered civil engineer designed plans, in conformance with state and county laws and standards shall be submitted by the applicant and reviewed and approved by County Public Works and the county Health Department, prior to the filing of the final map.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal until community sewers may become available.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leach field, two hundred and fifty (250) feet from seepage pits or dry wells.
6. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning Department for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for

each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.

7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the map.
10. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
11. Required public utility easements shall be shown on the map.
12. Approved street names shall be shown on the map.
13. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
14. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
15. Any private easements on the property shall be shown on the map with recording data.
16. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
17. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
18. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
19. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

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COUNTY OF SAN LUIS OBISPO
MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

FOR OFFICIAL USE ONLY (RH)

ENVIRONMENTAL DETERMINATION NO. ED04-510

DATE: October 27, 2005

PROJECT/ENTITLEMENT: Anderson Parcel Map SUB2004-00261

APPLICANT NAME: Martha Anderson

ADDRESS: PO Box 452, Nipomo, CA, 93444

CONTACT PERSON: Westland Engineering Inc.

Telephone: 805-541-2394

PROPOSED USES/INTENT: Request by Martha Anderson to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development, and off-site road improvements which include widening the frontage along Mesa Road and Viva Way, which will result in the disturbance of approximately 0.85 acres of a 10 acre parcel, and approximately 1,200 cubic yards of grading (cut & fill) for the road improvements.

LOCATION: The proposed project is within the Residential Rural land use category and is located at 1181 Viva Way, on the north-east corner of Viva Way and Mesa Road, approximately 7,000 feet west of the community of Nipomo's urban reserve line. The site is in the South County Inland planning area.

LEAD AGENCY: County of San Luis Obispo Department of Planning & Building
County Government Center, Rm. 310
San Luis Obispo, CA 93408-2040

OTHER POTENTIAL PERMITTING AGENCIES: None

ADDITIONAL INFORMATION: Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT 5 p.m. on November 10, 2005

20-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

Notice of Determination

State Clearinghouse No. _____

This is to advise that the San Luis Obispo County _____ as ☐ Lead Agency

☐ Responsible Agency approved/denied the above described project on _____, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

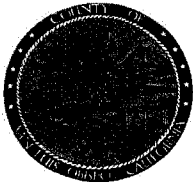
County of San Luis Obispo

Signature

Project Manager Name

Date

Public Agency



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San Luis Obispo County
Department of Planning and Building
environmental division

ENVIRONMENTAL DOCUMENT FILING FEE FORM

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: October 27, 2005

County: San Luis Obispo

Project No. SUB2004-00261

Project Title: Anderson Parcel Map

Project Applicant

Name: Martha Anderson

Address: PO Box 452

City, State, Zip Code: Nipomo, CA, 93444

Telephone #: 805-929-4752

Please remit the following amount to the **County Clerk-Recorder:**

() Environmental Impact Report	\$ 850.00
() Negative Declaration	\$ 1250.00
() County Clerk's Fee	\$ <u>25.00</u>
Total amount due:	1275.00

AMOUNT ENCLOSED: _____

Checks should be made out to the "**County of San Luis Obispo**". Payment must be received by the County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040, within two days of project approval.

NOTE: Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.

Project Title & No. Anderson Parcel Map ED 04-510

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Prepared by (Print) RYAN Hostetter Signature Ryan Hostetter Date 10/17/05

Steve McMasters Ellen Carroll,
Reviewed by (Print) Signature (for) Environmental Coordinator 10/17/05
Date

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

A. PROJECT

DESCRIPTION: Request by Martha Anderson for a vesting tentative parcel map to subdivide an existing 10 acre parcel into two parcels of 5 acres each for the purpose of sale and/or development. The project includes off-site road improvements which include widening the frontage along Mesa Road and Viva Way. The project will result in the disturbance of approximately 0.85 acres of a 10 acre parcel, and approximately 1,200 cubic yards of grading (cut & fill) for the road improvements. The proposed project is within the Residential Rural land use category and is located at 1181 Viva Way, on the north-east corner of Viva Way and Mesa Road, approximately 7,000 feet directly to the west of the community of Nipomo's urban reserve line. The site is in the South County Inland planning area.

ASSESSOR PARCEL NUMBER(S): 091-261-014

SUPERVISORIAL DISTRICT # 4

B. EXISTING SETTING

PLANNING AREA: South County (Inland), Rural

LAND USE CATEGORY: Residential Rural

COMBINING DESIGNATION(S): None

EXISTING USES: Residence

TOPOGRAPHY: Gently rolling

VEGETATION: Grasses

PARCEL SIZE: 10 acres

SURROUNDING LAND USE CATEGORIES AND USES:

<i>North:</i> Residential Rural; residential	<i>East:</i> Residential Rural; residential
<i>South:</i> Residential Rural; residential	<i>West:</i> Recreation; Woodlands

C. ENVIRONMENTAL ANALYSIS

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

1. AESTHETICS - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project will not be visible from any major public roadway or silhouetting against any ridgelines as viewed from public roadways. The project is considered compatible with the surrounding uses.

Impact. No significant visual impacts are expected to occur.

Mitigation/Conclusion. No mitigation measures are necessary.

2. AGRICULTURAL RESOURCES <i>- Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The soil types include:

Oceano sand (0-9%)

As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "VI" , and the "irrigated soil class is "IV".

Impact. The project is located in an area that contains some commercial type of agricultural uses such as nurseries/greenhouses, strawberry fields, and irrigated vegetable crops within the vicinity. The project was referred to the County Agricultural Commissioner's Office, and they determined that the impact of the proposed project on agricultural resources is less than significant with some mitigation (attached).

Mitigation/Conclusion. Mitigation measures are proposed to reduce agricultural impacts to a less than significant level. There is one mitigation measure for the proposed project which requires the property owner(s) sign a disclosure stating that commercial agricultural facilities are located in the area, and that they may have some negative impacts such as noise and dust on future property owners.

3. AIR QUALITY - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been adopted (prepared by APCD).

Impact. As proposed, the project will result in the disturbance of approximately 37,000 square feet. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

Mitigation/Conclusion. This project was reviewed by the Air Pollution Control District (letter attached) on August 17, 2005. Mitigation measures are proposed to reduce construction air impacts which reduce those impacts to a less than significant level. For specific mitigation measures, please refer to the mitigation summary table at the end of this document.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The following habitats were observed on the proposed project: Grasses

Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified: None

The project site occurs within the Santa Barbara Vernal Pool Region designated by the California Department of Fish and Game and is also in an area with identified vernal pool habitat. Furthermore, the project site is in an area designated as critical habitat for the vernal pool fairy shrimp (*Branchinecta lynchi*), a small aquatic crustacean that is listed as a federal threatened species and is associated with vernal pool habitat.

Vernal pool habitat consists of seasonal wetlands (i.e. areas that pond water during the wet season and dry up during the summer months) that may provide habitat for sensitive aquatic plant and animal species.

A site visit of the project site was made on March 24, 2005 by Ryan Hostetter (planner) to identify the potential for vernal pool habitat and/or listed plant and fairy shrimp species. At this time, no evidence of vernal pools or potential areas for ponded water was observed. The plant species on the project site are not consistent with the characteristics of vernal pools or seasonal wetlands, and the soil types (sand) are not those generally associated with vernal pools as they are very quickly drained. Therefore, there was no indication of habitat suitable for supporting fairy shrimp or sensitive plant species associated with vernal pools.

Plants: Kellogs Horkelia (*Horkelia cuneta sericea*), Crisp Monardella (*Monardella crispera*) app 0.6 mile west, San Luis Obispo Monardella (*Monardella frutescens*) app. 0.6 mile west, Sand Mesa Manzanita (*Arctostaphylos rudis*) app 1 mile north east and 1 mile south east, potential Pismo Clarkia (*Clarkia speciosa immaculata*) app. 0.75 mile north

Wildlife: Monarch Butterfly (*Danaus plexippus*) app 1 mile north west, potential California Red Legged Frog (*Rana aurora draytonii*) app. 1.3 mile west

Habitats: None

Impact. The project site does not support any sensitive native vegetation, significant wildlife habitats, or special status species.

Mitigation/Conclusion. No significant biological impacts are expected to occur, and no mitigation measures are necessary.

5. CULTURAL RESOURCES - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is located in an area historically occupied by the Obispeno Chumash. No historic structures are present and no paleontological resources are known to exist in the area.

Impact. The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. A Phase I (surface) survey was conducted by Thor Conway on April 20, 2005. No evidence of cultural materials was noted on the property. Impacts to historical or paleontological resources are not expected.

Mitigation/Conclusion. No significant cultural resource impacts are expected to occur, and no mitigation measures are necessary.

6. GEOLOGY AND SOILS - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

6. GEOLOGY AND SOILS -*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. GEOLOGY - The topography of the project is nearly level. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered moderate.

Active faulting is known to exist near the subject property app. 3 mile east. The project is not within a known area containing serpentine or ultramafic rock or soils.

DRAINAGE – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (a tributary of Oso Flaco Creek) from the proposed development is approximately 1.6 mile to the west. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered well drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows. The proposed project includes two retention basins to keep all runoff on site. The ordinance requires the applicant to prepare a drainage plan, as well as a sedimentation and erosion control plan to mitigate any impacts that may occur with grading for the retention basins.

SEDIMENTATION AND EROSION - The soil types include:
Oceano sand (0-9%)

As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility, and low shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (LUO Sec. 22.52.090) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more

than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

Impact. As proposed, the project will result in the disturbance of approximately 37,000 square feet. This includes grading for the on site retention basins and improvements to the Mesa Road and Viva Way.

Mitigation/Conclusion. There is no evidence that measures above what will already be required by ordinance or codes are needed.

7. HAZARDS & HAZARDOUS MATERIALS - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not located in an area of known hazardous material contamination. The project is within a high severity risk area for fire. The project is not within the Airport Review area.

Impact. The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

Mitigation/Conclusion. No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Setting. The project is not within close proximity of loud noise sources, and will not conflict with any sensitive noise receptors (e.g., residences).

Impact. The project is not expected to generate loud noises, nor conflict with the surrounding uses.

Mitigation/Conclusion. No significant noise impacts are anticipated, and no mitigation measures are necessary.

9. POPULATION/HOUSING - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create the need for substantial new housing in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Use substantial amount of fuel or energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG) program, which provides limited financing to projects relating to affordable housing throughout the county.

Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project.

Impact. The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

Mitigation/Conclusion. Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Mesa) is approximately 4 miles to the north west. The closest Sheriff substation is in Oceano, which is approximately 9 miles from the proposed project. The project is located in the Lucia Mar Unified School District.

Impact. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

Mitigation/Conclusion. Public facility (county) and school (State Government Code 65995 et sec) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels. The applicant shall also include water storage facilities to mitigate potential fire hazard impacts.

11. RECREATION - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

11. RECREATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks.

Impact. The proposed project will not create a significant need for additional park or recreational resources.

Mitigation/Conclusion. The "Quimby" fee will adequately mitigate the project's impact on recreational facilities. No significant recreation impacts are anticipated, and no mitigation measures are necessary.

12. TRANSPORTATION/ CIRCULATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. Future development will access onto the following public road(s): Mesa Road. The identified roadway is operating at acceptable levels. Referrals were sent to Public Works, and a response was received indicating mitigation measures that will reduce traffic impacts to a less than significant level.

Impact. The proposed project is estimated to generate about 10 trips per day, based on the Institute of Traffic Engineer's manual of 10/unit. This small amount of additional traffic will not result in a significant change to the existing road service levels or traffic safety.

Mitigation/Conclusion. Nothing above ordinance requirements, and standard conditions of approval for road improvements, is necessary to mitigate impacts to a less than significant level.

13. WASTEWATER - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. As described in the NRCS Soil Survey (see Geology section for soil types), the main limitations for on-site wastewater systems relates to: poor filtering characteristics. These limitations are summarized as follows:

Poor Filtering Characteristics – due to the very permeable soil; without special engineering, larger separations will be required between the leach lines and the groundwater basin to provide adequate filtering of the effluent; to achieve compliance with the Central Coast Basin Plan, depth to groundwater information will need to be provided at the building permit stage.

Impact. The project proposes to use an on-site system as its means to dispose wastewater. Based on the proposed plans, adequate area appears available for an on-site system.

Mitigation/Conclusion. The leach lines shall be located at least 100 feet from any private well and at least 200 from any community/public well. Prior to building permit issuance, the septic system will be evaluated in greater detail to insure compliance with the Central Coast Basin Plan for any constraints listed above, and will not be approved if Basin Plan criteria cannot be met.

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Violate any water quality standards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Change the quantity or movement of available surface or ground water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Adversely affect community water service provider?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting. The project proposes to use an on-site well as its water source. The Environmental Health Division has reviewed the project for water availability and has determined that there is preliminary evidence that there will be sufficient water available to serve the proposed project. Based on available information, the proposed water source will be an on site well.

The topography of the project is nearly level. The closest creek (a tributary of Oso Flaco Creek) from the proposed development is approximately 1.6 miles away. As described in the NRCS Soil Survey, the soil surface is considered to have low erodibility.

Impact. As proposed, the project will result in the disturbance of approximately 37,000 square feet. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 2.36 acre feet/year (AFY)

$$2 \text{ residential lots (w/primary (0.85 afy) \& secondary (0.33 afy) X 2 lots) = 2.36 afy}$$

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

Mitigation/Conclusion. Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Setting/Impact. Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

Mitigation/Conclusion. No inconsistencies were identified and therefore no additional measures above what will already be required was determined necessary.

16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- b) *Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)*

☐☒☐☐

- c) *Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

☐☐☒☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

Exhibit A - Initial Study References and Agency Contacts

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<u>Contacted</u>	<u>Agency</u>	<u>Response</u>
<input checked="" type="checkbox"/>	County Public Works Department	Attached
<input checked="" type="checkbox"/>	County Environmental Health Division	Attached
<input checked="" type="checkbox"/>	County Agricultural Commissioner's Office	Attached
<input type="checkbox"/>	County Airport Manager	Not Applicable
<input type="checkbox"/>	Airport Land Use Commission	Not Applicable
<input checked="" type="checkbox"/>	Air Pollution Control District	Attached
<input type="checkbox"/>	County Sheriff's Department	Not Applicable
<input type="checkbox"/>	Regional Water Quality Control Board	Not Applicable
<input type="checkbox"/>	CA Coastal Commission	Not Applicable
<input type="checkbox"/>	CA Department of Fish and Game	Not Applicable
<input type="checkbox"/>	CA Department of Forestry	Not Applicable
<input type="checkbox"/>	CA Department of Transportation	Not Applicable
<input type="checkbox"/>	Community Service District	Not Applicable
<input type="checkbox"/>	Other _____	Not Applicable
<input type="checkbox"/>	Other _____	Not Applicable

**** "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<input checked="" type="checkbox"/> Project File for the Subject Application	<input type="checkbox"/> Area Plan and Update EIR
<u>County documents</u>	<input type="checkbox"/> Circulation Study
<input type="checkbox"/> Airport Land Use Plans	<u>Other documents</u>
<input checked="" type="checkbox"/> Annual Resource Summary Report	<input checked="" type="checkbox"/> Archaeological Resources Map
<input type="checkbox"/> Building and Construction Ordinance	<input checked="" type="checkbox"/> Area of Critical Concerns Map
<input type="checkbox"/> Coastal Policies	<input checked="" type="checkbox"/> Areas of Special Biological Importance Map
<input checked="" type="checkbox"/> Framework for Planning (Coastal & Inland)	<input checked="" type="checkbox"/> California Natural Species Diversity Database
<input checked="" type="checkbox"/> General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<input checked="" type="checkbox"/> Clean Air Plan
<input checked="" type="checkbox"/> Agriculture & Open Space Element	<input checked="" type="checkbox"/> Fire Hazard Severity Map
<input checked="" type="checkbox"/> Energy Element	<input checked="" type="checkbox"/> Flood Hazard Maps
<input checked="" type="checkbox"/> Environment Plan (Conservation, Historic and Esthetic Elements)	<input checked="" type="checkbox"/> Natural Resources Conservation Service Soil Survey for SLO County
<input checked="" type="checkbox"/> Housing Element	<input checked="" type="checkbox"/> Regional Transportation Plan
<input checked="" type="checkbox"/> Noise Element	<input checked="" type="checkbox"/> Uniform Fire Code
<input type="checkbox"/> Parks & Recreation Element	<input checked="" type="checkbox"/> Water Quality Control Plan (Central Coast Basin – Region 3)
<input checked="" type="checkbox"/> Safety Element	<input checked="" type="checkbox"/> GIS mapping layers (e.g., habitat, streams, contours, etc.)
<input checked="" type="checkbox"/> Land Use Ordinance	<input type="checkbox"/> Other _____
<input type="checkbox"/> Real Property Division Ordinance	
<input type="checkbox"/> Trails Plan	
<input type="checkbox"/> Solid Waste Management Plan	

In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

Phase I Archaeological Surface Survey, Thor Conway, April 20, 2005

Exhibit B - Mitigation Summary Table

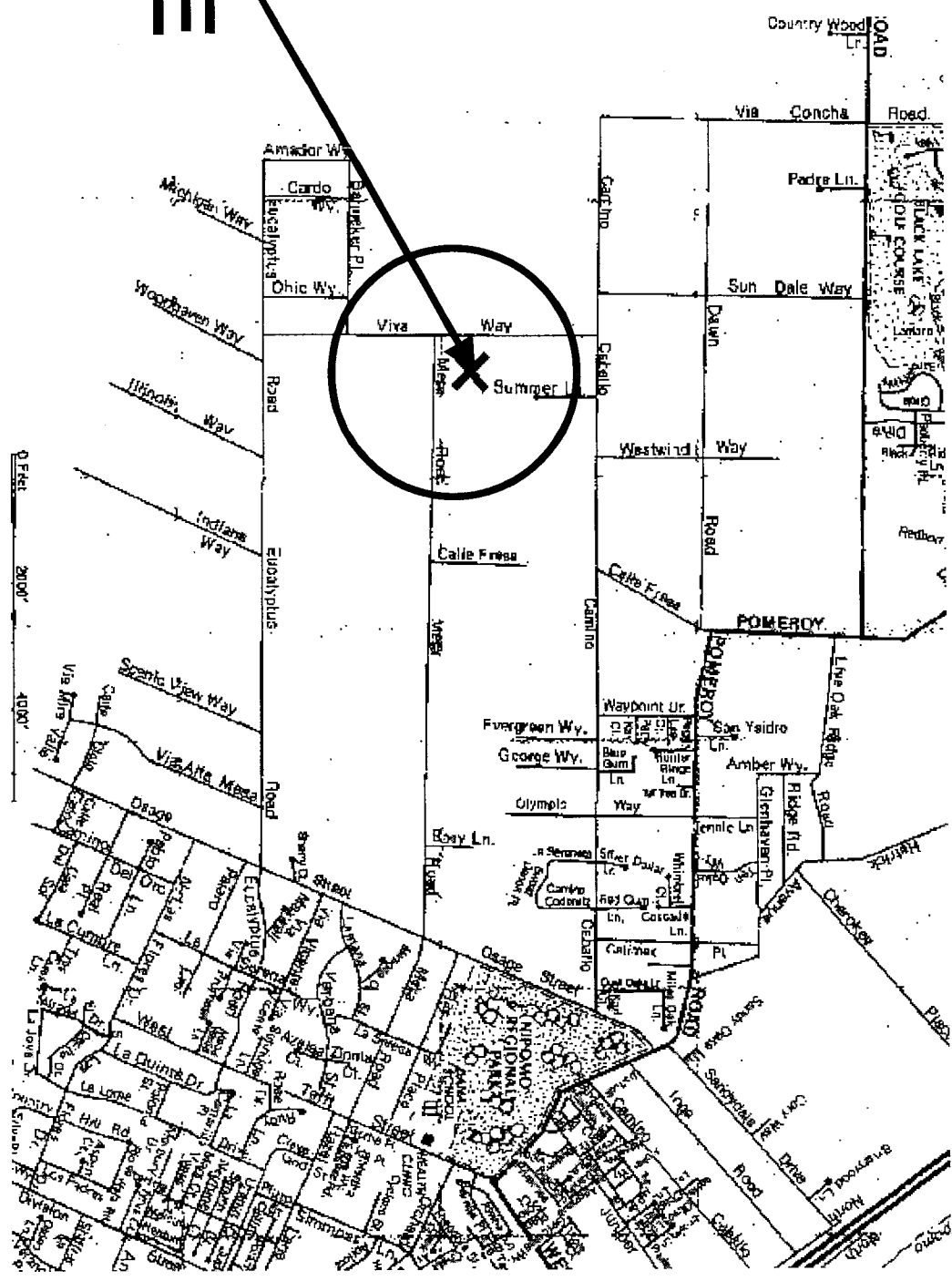
Air Quality

- AQ-1 **Prior to any grading activities at the site**, the applicant shall submit a geologic evaluation, conducted by a qualified individual determine if naturally occurring asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filled with the District. If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM which may include but not be limited to an asbestos dust mitigation plan.
- AQ-2 Dust Control Measures: The following measures must be shown on all grading and improvement plans:
- a. Reduce the amount of the disturbed area where possible
 - b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible,
 - c. All dirt stock-pile areas should be sprayed daily as needed,
 - d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and
 - e. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- AQ-3 Construction Permit Requirements: The Air Pollution Control District shall be contacted if portable equipment , 50 horsepower (hp) or greater is used during construction activities. Other construction equipment may also require a permit, and the APCD shall be contacted for a list of equipment that requires a permit.

Agricultural Resources

- AG-1 **Prior to recordation or finalization of the map**, the applicant shall provide a detailed supplemental disclosure to purchasers of these parcels that greenhouse/nursery facilities are located in the area. The disclosure shall identify the activities that may result in noise and glare: flower and plant cultivation, motorized vehicle and heavy equipment operation (tractor, trucks etc.), heating and refrigeration (utilizing diesel generators, boilers, electric engines etc.), motorized greenhouse opening/closing and fan operations, packing and loading, employee/visitor arrival/departures, and intensive night lighting. The disclosure shall include information regarding the County's Right to Farm Ordinance.

SITE



PROJECT

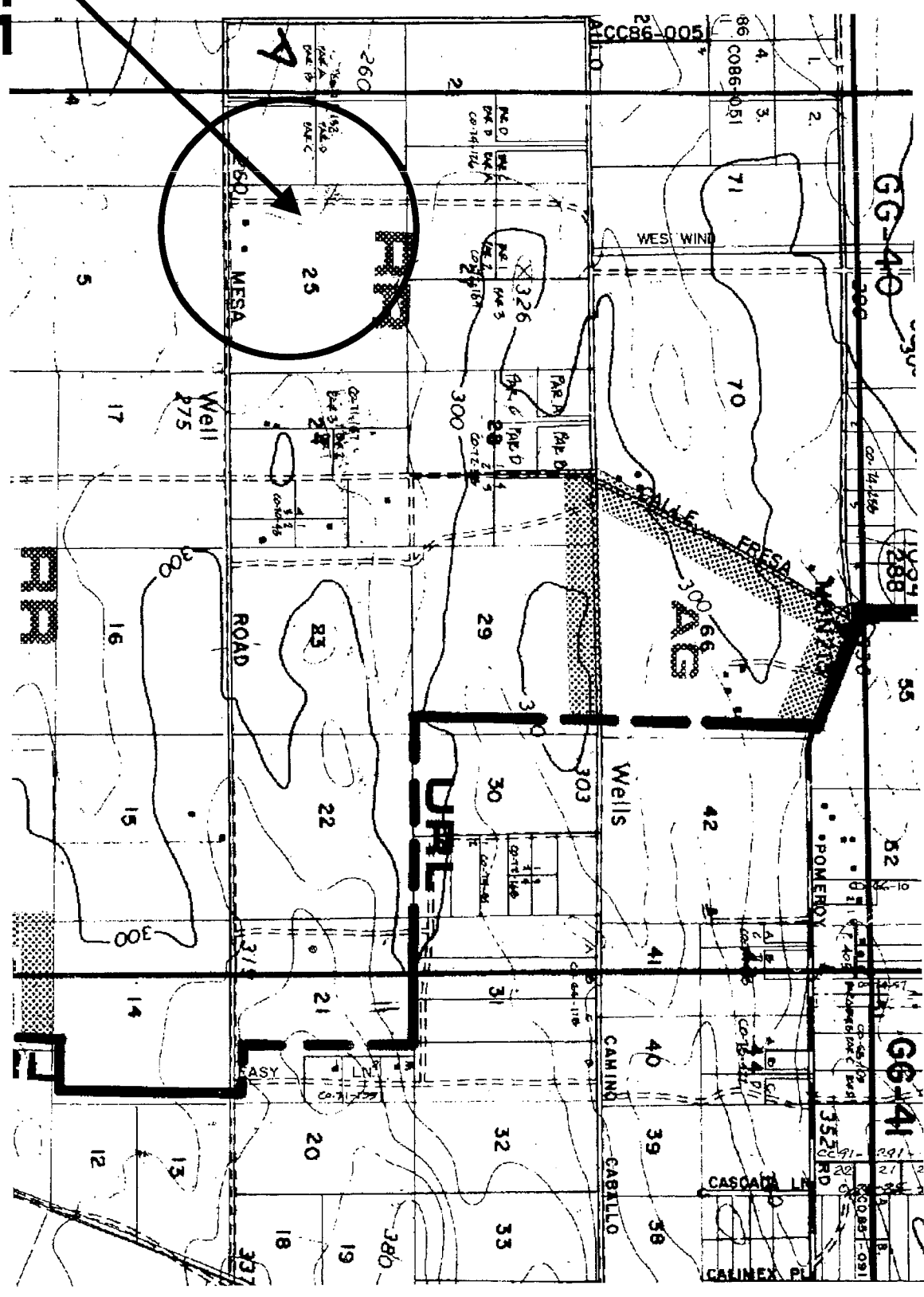
Parcel Map
Anderson SUB2004-00261 CO04-0591

EXHIBIT

Vicinity Map



SITE



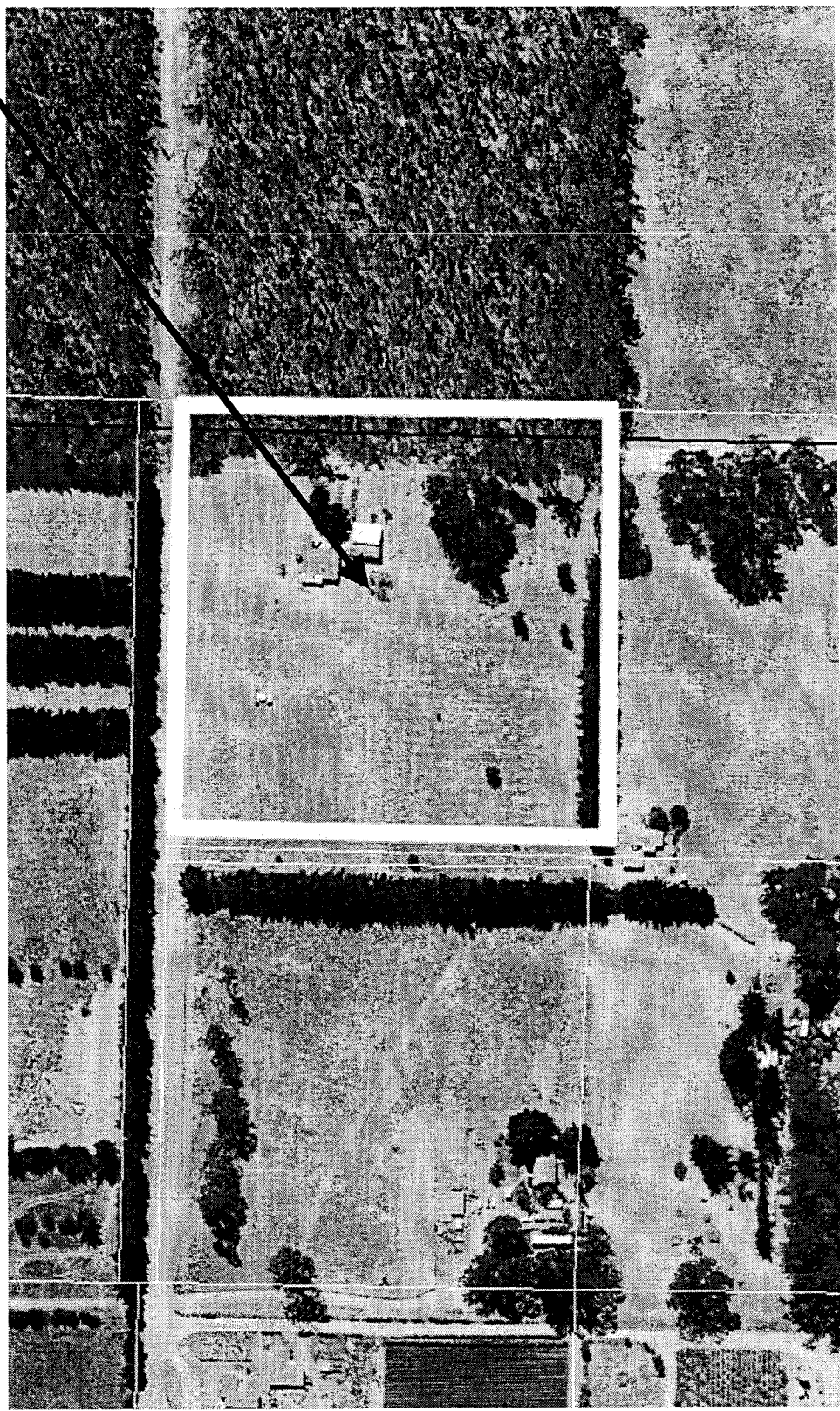
PROJECT

Parcel Map
Anderson SUB2004-00261 CO04-0591



EXHIBIT

Land Use Category



SITE

PROJECT

Parcel Map
Anderson SUB2004-00261 CO04-0591



EXHIBIT

Aerial



Parcel Map

Anderson SUB2004-00261 CO04-0591



EXHIBIT

Site Plan

6-37



COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
ROBERT F. LILLEY

AGRICULTURAL COMMISSIONER/SEALER

(805) 781-5910

FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

DATE: March 17, 2005

TO: Ryan Hostetter, Project Manager

FROM: Lynda L. Auchinachie, Agriculture Department ✓

SUBJECT: Anderson Parcel Map SUB2004-00261 (1011)

Summary

The applicant is proposing to subdivide 10-acre parcel into two five-acre parcels within the Residential Rural land use category. The project site is located at 1181 Viva Way, on the Nipomo Mesa. Several agricultural operations, including greenhouse/nurseries, strawberry, and irrigated vegetable crops, are located in the general area of the project site. The Agriculture Department's review finds that the proposal would result in **less than significant impacts** to agricultural resources or operations with the incorporation of the following mitigation measure into the project.

Recommended Mitigation Measure

1. Provide detailed supplemental disclosure to purchasers of these parcels that greenhouse/nursery facilities are located in the area. The disclosure shall identify the facilities may operate 24-hours a day and include, but are not limited to, the following activities that may result in noise and glare: flower and plant cultivation, motorized vehicle and heavy equipment operation (tractor, trucks etc.), heating and refrigeration (utilizing diesel generators, boilers, electric engines etc.), motorized greenhouse opening/closing and fan operations, packing and loading, employee/visitor arrival/departures, and intensive night lighting. The disclosure shall include information regarding the County's Right to Farm Ordinance.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

A. Project Description and Agricultural Setting

The applicant is requesting to subdivide a 10-acre parcel into two five-acre parcels within the Residential Rural land use category. The project site is located at 1181 Viva Way, on the Nipomo Mesa. Several agricultural operations, including greenhouse/nurseries, strawberry, and irrigated vegetable crops, are located in the general area of the project site. Surrounding properties are within the Residential Rural land use category.

B. Impacts to Agricultural Operations

One of the primary goals of the Agriculture and Open Space Element is to ensure the long-term viability of agricultural resources and operations. Part of the land use review process is to identify potential land use conflicts between proposed development and existing production agriculture.

Greenhouses are intensive agricultural operations that may operate 24-hours a day. Residents of the proposed parcels may be impacted by noise and night lighting associated with such operations. While a buffer is not required for this project, future property owners should be notified of agricultural activities in the area to mitigate potential impacts to less than significant levels.

C. Recommended Mitigation Measure

1. Provide detailed supplemental disclosure to purchasers of these parcels that greenhouse/nursery facilities are located in the area. The disclosure shall identify the facilities that may operate 24-hours a day and include, but are not limited to, the following activities that may result in noise and glare: flower and plant cultivation, motorized vehicle and heavy equipment operation (tractor, trucks etc.), heating and refrigeration (utilizing diesel generators, boilers, electric engines etc.), motorized greenhouse opening/closing and fan operations, packing and loading, employee/visitor arrival/departures, and intensive night lighting. The disclosure shall include information regarding the County's Right to Farm Ordinance.

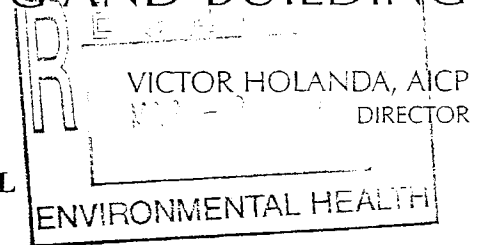
If we can be of further assistance, please call 781-5914.



(RH)

6-3912

RECEIVED
SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING



THIS IS A NEW PROJECT REFERRAL

DATE:

2/28/05

TO:

Env. Health

FROM:

South Co. Team

(Please direct response to the above)

ANDERSON

SUB 2004-00261

Project Name and Number

Development Review Section (Phone:

788-2009

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION:

Parcel Map -> divide 10+/- acres
into (2) 5-acre parcels. Located off Viva
Way, Nipomo, APN: 091-261-014.
Parcel Map: CO 04-0591.

Return this letter with your comments attached no later than:

3/16/05

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

____ YES
____ NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

____ NO (Please go on to Part III)
____ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

See attached letter. This office will need to
receive a full size exhibit showing septic tank and
leach field location.

3/16/05
Date

Samir Sal
Name

781-5551
Phone

6-90

County of San Luis Obispo • Public Health Department



Environmental Health Services

2156 Sierra Way • P.O. Box 1489
San Luis Obispo, California 93406
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.
County Health Officer
Public Health Director

Curtis A. Batson, R.E.H.S.
Director

January 25, 2005

Westland Engineering, Inc.
3480 South Higuera Street, Suite 130
San Luis Obispo, CA 93401

No SR

M

ATTN: HANK HATCHER
RE: TENTATIVE PARCEL MAP CO 04-0591 (ANDERSON)
SUB 2004-00261

Water Supply

This office is in receipt of satisfactory **preliminary** evidence of water. Please be advised that additional water well documentation will be required for **each** lot prior to approving the map for recordation. Adequate documentation will include the well completion report, the well capacity (pump test) and full water quality testing, not more than five years old, prior to final recordation. Any proposal to share a domestic water well would require consultation with Division staff.

Wastewater Disposal

Individual wastewater disposal systems are considered an acceptable method of disposal, provided County and State installation requirements can be met. Comprehensive soil borings and percolation testing will be required on the vacant parcel 2 prior to map recordation.

CO 04-0591 is approved for Environmental Health subdivision map processing.

Laurie A. Salo

LAURIE A. SALO, R.E.H.S.
Senior Environmental Health Specialist
Land Use Section

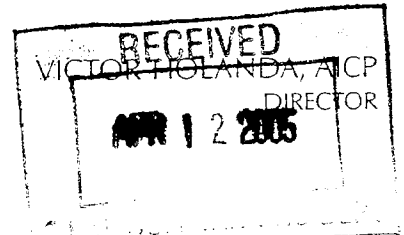
c: Kami Griffin, County Planning
South County Team, County Planning
Martha Anderson, Owner



2A

SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

2005 MAR -2 AM 9:41



THIS IS A NEW PROJECT REFERRAL

DATE: 2/28/05 04/11/05
To: Parks

FROM: South Co. Team
(Please direct response to the above)

ANDERSON

SUB 2004-00261
Project Name and Number

Development Review Section (Phone: 788-2009)

*OR ASK THE SWITCH-
(BOARD FOR THE PLANNED)

PROJECT DESCRIPTION: Parcel map -> divide 10 1/2 acres
into (2) 5-acre parcels. Located off Viva
Way, Nipomo. APN: 091-261-014.
Parcel Map: CO 04-0591.

Return this letter with your comments attached no later than: 3/16/05

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?
✓ YES
NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?
✓ NO (Please go on to Part III)
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

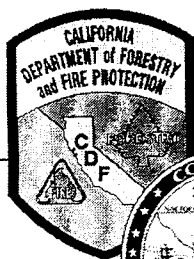
(1) Require payment of Quimby fees and
applicable Building Division fee

04/11/05
Date

JAN Di Leo
Name

x4089
Phone

6-42



RA



CDF/San Luis Obispo County Fire Department

635 N. Santa Rosa • San Luis Obispo • California 93405

March 17, 2005

County of San Luis Obispo
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Subject: Parcel Map Project # Anderson/SUB2004-00261

Dear South County Team,

I have reviewed the referral for the parcel map plans for the proposed two parcel subdivision project located at 1181 Viva Way, Nipomo. This project is located approximately 8-10 minutes from the closest CDF/San Luis Obispo County Fire Station. The project is located in State Responsibility Area for wildland fires. It is designated a High Fire Severity Zone. This project is required to comply with all fire safety rules and regulations including the California Fire Code, the Public Resources Code and any standards referenced therein.

The following conditions will apply to this project:

Access Road

An access road must be constructed to CDF/County Fire standards when it serves more than one parcel; access to any industrial or commercial occupancy, or vehicular access to a single parcel with more than two buildings or four or more dwelling units.

- The maximum length of a dead end road, including all dead-end roads accessed from that dead-end road, shall not exceed the following cumulative lengths, regardless of the number of parcels served:

○ Parcels less than 1 acres	800 feet
○ Parcels 1 acre to 4.99 acres	1320 feet
○ Parcels 5 acres to 19.99 acres	2640 feet
○ Parcels 20 acres or larger	5280 feet
- The road must be 18 feet in width and an all weather surface.
- If the road exceeds 12% it must have a non-skid paved surface.
- Roads may not exceed 16% without special mitigation and shall not exceed 20%.
- All roads must be able to support a 20 ton fire engine.

- Road must be named and addressed including existing buildings.
- A turnaround must be provided if the road exceeds 150 feet.
- Vertical clearance of 13'6" is required.

Driveway

A driveway is permitted when it serves no more than two buildings, with no more than 3 dwelling units or a single parcel, and any number of accessory buildings.

- Driveway width for high and very high fire severity zones:
 - 0-49 feet, 10 feet is required
 - 50-199 feet, 12 feet is required
 - Greater than 200 feet, 16 feet is required
- Turnarounds must be provided if driveway exceeds 300 feet.

Water Supply

The following applies:

☐ This project will require a community water system which meets the minimum requirements of the Appendix III-A & III-B of the California Fire Code.

☒ A water storage tank with a capacity determined by a factor of the cubic footage of the structure will be required to serve each existing and proposed structure. A residential fire connection must be located within 50 to 150 feet of the buildings.

Fuel Modification

- Vegetation must be cleared 10 feet on each side of the driveways and access road.
- Maintain around all structures a 30 feet firebreak. This does not include fire resistive landscaping.
- Remove any part of a tree that is within 10 feet of a chimney.
- Maintain any tree adjacent to or overhanging any building free of deadwood.
- Maintain the roof of any structure free of leaves, needles or other flammable material.

If I can provide additional information or assistance, please call 543-4244.

Sincerely,



Gilbert R. Portillo

Fire Inspector

c: Ms. Martha Anderson, owner
Westland Engineering, Inc.

RH

6-44



AIR POLLUTION CONTROL DISTRICT

COUNTY OF SAN LUIS OBISPO

August 17, 2005

Ryan Hostetter
Coastal Team - County of San Luis Obispo
County Government Center
San Luis Obispo CA 93401

Post-It® Fax Note 7671		Date 8-17-05	# of pages 4
To R. Hostetter	From A. Bruggen		
Co. Coastal	Co. APCD		
Phone #	Phone #		
Fax #	Fax #		

SUBJECT: Response to Project Referral Regarding the Anderson Parcel Map.
(Agency Project # SUB 2004-00261)

Dear Ms. Hostetter,

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 1181 Viva Way in Nipomo. This project involves the subdivision of a single 10 acre parcel, located outside the URL and zoned Residential Rural, into two (2) five-acre parcels for future residential use. The following are APCD comments that are pertinent to this project.

GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

This project, like so many others, falls below our emissions significance thresholds and is, therefore, unlikely to trigger a finding of significant air quality impacts requiring mitigation. However, we are very concerned with the cumulative effects resulting from the ongoing fracturing of rural land and increasing residential development in areas far removed from commercial services and employment centers. Such development fosters continued dependency of private auto use as the only viable means of access to essential services and other destinations. This is inconsistent with the land use planning strategies recommended in the Clean Air Plan (CAP), which promote the concept of compact development by directing growth to areas within existing urban and village reserve lines. **The CAP recommends that areas outside the urban/village reserve lines be retained as open space, agriculture and very low-density residential development, therefore the APCD does not support this type of development.**

Should this project continue to move forward against our recommendation, the following APCD comments will be appropriate. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

CONSTRUCTION PHASE MITIGATION

Demolition Activities

The project referral did not indicate whether existing structures on the proposed site will be demolished. Demolition activities can have potential negative air quality impacts, including

Project Referral for Anderson Parcel Map
August 17, 2005
Page 2 of 3

6-45

issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition or remodeling of existing buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). **If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).** These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the Enforcement Division at 781-5912 for further information.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. If you have any questions regarding these requirements, contact Karen Brooks of our Enforcement Division at 781-5912.

Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.** This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Please refer to the APCD web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Tim Fuhs of our Enforcement Division at 781-5912.

Dust Control Measures

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible,
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever

Project Referral for Anderson Parcel Map
August 17, 2005
Page 3 of 3

6-46

wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible,

- All dirt stock-pile areas should be sprayed daily as needed,
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and
- Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

Construction Permit Requirements

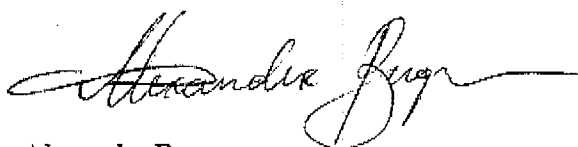
Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to page A-5 in the District's CEQA Handbook.

- Portable generators (50 hp or greater)
- IC Engines

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-5912.

Sincerely,



Alexander Bugrov
Air Quality Specialist

AAB /sll

cc: Tim Fuhs, Enforcement Division, APCD
David Dixon, Engineering Division, APCD
Karen Brooks, Enforcement Division, APCD
Ms. Martha Anderson, Applicant

Attachments:

Naturally Occurring Asbestos Construction & Grading Project - Exemption Request Form.

h:\ols\planresponse\letters\3073-1.doc

Naturally Occurring Asbestos – Construction & Grading Project – Exemption Request Form

6-47

Send To:

Attachment 1

San Luis Obispo County Air
Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401

Fax: (805) 781-1002



Applicant Information/ Property Owner		Project Name	
Address		Project Address and /or Assessors Parcel Number	
City, State, Zip		City, State, Zip	
Phone Number	Date Submitted	Agent	Phone Number

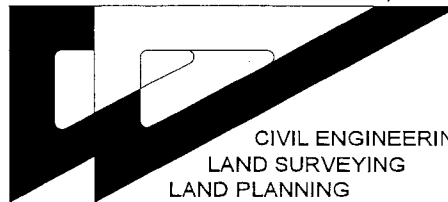
The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout "ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS – Geological Evaluation Requirements".

APPLICANT MUST SIGN BELOW	
I request the San Luis Obispo Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.	
Legal Declaration/Authorized Signature:	
Date:	

FOR OFFICE USE ONLY - APCD Required Element - Geological Evaluation			
APCD Staff:		Intake Date:	OIS Tracking Number:
Approved	Not Approved	APCD Staff:	Date Reviewed:
Comments:			

6-48

WESTLAND ENGINEERING, INC.



SLO CNTY
PLANNING/BUILDING
DEPT

LETTER OF TRANSMITTAL

DATE	10/14/05	JOB NO.	04.043
ATTENTION			
Ryan Hostetter			
RE:			
Developer's Statement			

TO: County Planning & Building

WE ARE SENDING YOU

☐ ATTACHED ☐ UNDER SEPARATE COVER VIA: Hand Delivered

- ☒ Originals ☐ Prints ☐ CD
- ☐ Plans ☐ Copy of Letter

Copies	Date	No.	Description
1			Developer's Statement for Anderson Parcel Map

THESE ARE TRANSMITTED as checked below:

- ☐ For approval ☐ For your file ☐ For checking
- ☒ For your use ☐ As requested ☐ For review and comment
- ☐ Signature

REMARKS

For your use as requested.

If you have any questions please call Manuel Palma at 541-2394.

Thank You,

COPY TO: _____

SIGNED: Manuel Palma / Daedre Larrison

RECEIVED OCT 14

Date: October 5, 2005

**DEVELOPER'S STATEMENT FOR
ANDERSON PARCEL MAP
SUB2004-00261**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

Note: The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

Air Quality

AQ-1 **Prior to any grading activities at the site**, the applicant shall submit a geologic evaluation, conducted by a qualified individual determine if naturally occurring asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filled with the District. If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM which may include but not be limited to an asbestos dust mitigation plan.

AQ-2 **Dust Control Measures:** The following measures must be shown on all grading and improvement plans:

- A. Reduce the amount of the disturbed area where possible
- B. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible,
- C. All dirt stock-pile areas should be sprayed daily as needed,
- D. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and
- E. Building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

AQ-3 **Construction Permit Requirements:** The Air Pollution Control District shall be contacted if portable equipment , 50 horsepower (hp) or greater is used during construction activities. Other construction equipment may also require a permit, and the APCD shall be contacted for a list of equipment that requires a permit.

Monitoring: Compliance will be verified by the County Planning Department by review and approval of the plans, and verification of completion with a field inspection.

Agricultural Resources

- AG-1 **Prior to recordation or finalization of the map**, the applicant shall provide a detailed supplemental disclosure to purchasers of these parcels that greenhouse/nursery facilities are located in the area. The disclosure shall identify the activities that may result in noise and glare: flower and plant cultivation, motorized vehicle and heavy equipment operation (tractor, trucks etc.), heating and refrigeration (utilizing diesel generators, boilers, electric engines etc.), motorized greenhouse opening/closing and fan operations, packing and loading, employee/visitor arrival/departures, and intensive night lighting. The disclosure shall include information regarding the County's Right to Farm Ordinance.

Monitoring: Compliance will be verified by the County Planning Department by review and approval of the additional map sheet with the above mentioned condition listed on the map.

Wastewater

- WW-1 **Prior to recordation of the final map**, the applicant shall submit the results of soil borings and percolation testing at leach line location showing that there is adequate separation and percolation rates, or plans for an engineered wastewater system that shows how the basin plan criteria can be met would be required prior to issuance of construction permits.

Monitoring: Compliance will be verified by the County Planning Department by review and approval of the plans, and a letter stating that the above condition has been complied with from County Environmental Health.

Water

- W-1 **Prior to recordation of the final map**, the applicant shall submit an official well driller's report (construction log), well capacity testing, and water quality testing to the County Department of Environmental Health for review and approval. The applicant shall consult with the County Department of Environmental Health regarding approval of a shared well system.
- W-2 **Prior to issuance of building permits for development on the proposed parcels**, proposed construction plans must include indoor water conservation measures including: low water-use toilets, showerheads, and faucets; automatic shut-off devices for bathroom and kitchen faucets; and point-of-use supplemental water heater systems or circulating hot water systems in bathrooms and kitchen. Landscape plans for the proposed parcels must include outdoor conservation measures including: limited landscape area, low water-use plant materials, limited turf area, soil moisture sensors, and drip irrigation systems.

Monitoring: Compliance will be verified by the County Planning Department by review and approval of the plans, and a letter stating that the above condition has been complied with from County Environmental Health.

County of San Luis Obispo
Department of Planning and Building
Division of Environmental and Resource Management
County Government Center, Room 310
San Luis Obispo, CA 93408
ATTN: Ms. Julie Eliason

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Martha Anderson

Signature of Owner(s)

10-12-05

Date

MARTHA ANDERSON

Name (Print)